

January 22, 1999



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

OR99-0218

Captain Robert Taylor
Amarillo Police Department
200 E. 3rd
Amarillo, Texas 79101-1514

Dear Captain Taylor:

JOHN CORNYN
Attorney General

P.O. Box 12548
Austin, Texas
78711-2548

(512) 463-2100
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You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 121320.

The Amarillo Police Department (the "department") received a request for a specific incident report. You claim that the incident report is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the submitted documents.

Section 552.108, the "law enforcement exception," provides in relevant part as follows:

(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; [or] (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]

You state that requested information relates to a pending prosecution. Because you assert that release of the requested information would interfere with the prosecution of crime, we conclude that the requested information may be withheld under section 552.108(a)(1). *See* Open Records Decision No. 216 (1978). We note, however, that

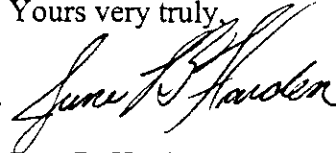
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information normally found on the front page of an offense report is generally considered public. *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Thus, you must release the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the offense report. Gov't Code § 552.108(c); *see* Open Records Decision No. 127 (1976) (summarizing the types of information deemed public by *Houston Chronicle*).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref.: ID# 121320

Enclosures: Submitted documents

cc: Ms. Rhonda Merritt
900 N. Hayen
Amarillo, Texas 79107
(w/o enclosures)